

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ROSS RIVIELLO,	:	CASE NO.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
WELLS FARGO, et al. and JOHN DOES	:	
1-10 and CORPORATIONS X, Y, Z,	:	
	:	
Defendants.	:	

**NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. §§ 1441 AND 1331**

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Wells Fargo Bank, N.A. ("Wells Fargo") hereby removes the above captioned action from the Court of Common Pleas, Lackawanna County, Pennsylvania, to the United States District Court for the Middle District of Pennsylvania. Wells Fargo alleges that it is entitled to removal pursuant to 28 U.S.C. § 1331, based upon federal question jurisdiction, as follows:

1. Wells Fargo is named in the Complaint filed on December 5, 2018, by Plaintiff Ross Riviello ("Plaintiff") in the Court of Common Pleas, Lackawanna County, Pennsylvania, Case No. 2018-06474 entitled *Ross Riviello v. Wells Fargo* (the "State Court Action").
2. Wells Fargo has not yet filed an answer or otherwise responded to Plaintiff's Complaint in the State Court Action.
3. This notice of removal is timely under 28 U.S.C. § 1446(b) and Federal Rule of Civil Procedure, Rule 6(a) because it was filed within 30 days of the service on Wells Fargo of a copy of the Complaint on December 12, 2018.

4. Removal to the United States District Court for the Middle District of Pennsylvania is proper because this is the district and division which embraces the county in which Plaintiff filed the State Court Action. 28 U.S.C. § 1441(a).

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441 because it arises under the following federal statute: (1) the Telephone Consumer Protection Act, 47 U.S.C. §§ 227 *et seq* and (2) the Fair Debt Collection Practices Act, 15 U.S.C. 1692, *et seq*. See, e.g., Complaint ¶¶ 1, 12-19, 39-42, and 49-62; *Mims v. Arrow Financial Services, LLC*, 132 S.Ct. 740, 753 (2012).

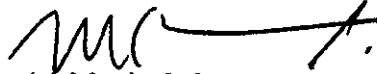
6. This Court has supplemental jurisdiction over all other claims asserted by Plaintiff pursuant to 28 U.S.C. § 1367(a) and 28 U.S.C. § 1441(c).

7. As required by 28 U.S.C. § 1446(d), Wells Fargo will provide written notice of the removal of this action to Plaintiff, and to the Court of Common Pleas, Lackawanna County, Pennsylvania.

8. Pursuant to 28 U.S.C. § 1446(a), attached as Exhibit A are accurate copies of all papers received as of January 7, 2019.

WHEREFORE, Wells Fargo prays that the State Court Action be removed from state court to this Court and that this Court assume jurisdiction over the action and determine it on the merits.

Respectfully submitted,



/s/ Martin C. Bryce, Jr.

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Dated: January 7, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January 2019, I caused a true and correct copy of the foregoing Notice of Removal to be served via ECF transmission and first class mail, postage prepaid on counsel of record:

Joseph T. Sucec, Esquire
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PO Box 317
Grantham, PA 17027



/s/ Martin C. Bryce, Jr.
Martin C. Bryce, Jr. (I.D. No. 59409)